

Minutes for the November 2, 2015 meeting

Committee members in attendance

Kimberly Brandt
Debbie Cameron
Terry Cummings
Matthew Kimball
Ashley Pennington
Alan Pressman
Daryl Sabourin
Noah Smock
Bonnie Sorak

Ex-officio members / others agencies in attendance

Alan Robinson, Chief, Office of Strategy and Performance Management, DPW
Kimberly Grove, Chief, Office of Compliance and Laboratories, DPW
Mark Cameron, Office of Compliance and Laboratories, DPW
Marcia Collins, Legislative Liaison, DPW
Dana Cooper, Chief of Legal and Regulatory Affairs, DPW
Kristyn Oldendorf, Office of Legislative Affairs, DPW
Denise Caldwell, Department of Recreation and Parks
Michael Wilmore, Department of Transportation
Amy Gilder-Busatti, Department of Planning

Other Attendees

Laura Bankey, National Aquarium
John Berard, Blue Water Baltimore
John Page Williams, Chesapeake Bay Foundation
Beth Harbor, Abell Foundation

Meeting Minutes

The meeting started at 6:10pm with introductory remarks by Terry Cummings and introductions of all attendees.

Update on filling SWAC open positions

Alan Robinson updated the Committee members on the progress of filling vacancies. As of the meeting three vacancies need to be filled (Joan Plisko stepped down from the SWAC in October). The department is completing a list of potential candidates to submit to the Director (The list is a combination of initial applicants not selected, people recommended by SWAC members, and others recommended by DPW staff). The department is awaiting resumes from several potential candidates by November 6.

Committee members impressed upon the need to fill these positions in order for the Committee to be at full strength and that the Implementation Subcommittee can be resurrected. DPW was asked if the new people have a 2 year commitment – Alan replied that they will.

SWAC Sub-committee updates

Policy Subcommittee

Brian Hammock, Subcommittee Chair, was not in attendance, so Dana Cooper was asked to present in his place. The Policy Subcommittee was asked to review the City's Stormwater Fee regulations, including items identified by the Department and changes in the State law. Seven (7) items were discussed:



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Item 1: Stormwater Participation credit. One of the issues with this credit is that very few people are applying for it, in relation to the number of people volunteering for Stormwater Participation Events. The regulations say you can donate your credits to another entity, such as a church (or an elderly neighbor), but that's never happened. This may be communications issue in that people don't know steps to get credit, don't know they can donate it, or don't know about it for it to be an incentive. The subcommittee decided that this was a communications problem, not a regulations problem, and recommended that the Education & Outreach subcommittee review it.

The question was asked – was there any discussion of the amount of credit (8 hours of participation for \$10 credit)? Darryl Sabourin said that the subcommittee looked at this, but did not want to change anything when people weren't even using it. Dana added that the initial Credit Advisory Committee spent a long time discussing this, and tried to tie it to water quality impact helped by the event.

Noah Smock offered that, from a user perspective, 8 hours requires two projects. Most of the Tool Bank's volunteer projects are 4 hours and many of the volunteers don't participate in multiple projects. Could the credit be \$5 for 4 hours? Terry said that the Education & Outreach subcommittee would review this.

The Committee asked if the minutes from the original Stormwater Fee Credit meetings could be shared. These will be provided to the Committee.

Item 2: Small development and vacant lot credits. Subcommittee wants to change the name to green space credit to better reflect what the credit is. It allows a group to take over vacant lots and create gardens, etc. but unless they legally consolidate the lots, they have to pay the stormwater fee for individual parcels. DPW will contact Billing to see if adjacent lots can be consolidated as one lot for billing purposes. The Subcommittee is supportive of this.

Item 3: Superfund sites. Superfund is legally imprecise. Intention was that if a property has a mandated cap and can't remove it, which also applies to properties over the I-95 tunnel. So what does superfund include or not include? DPW is checking with the State as to whether there are properties that can be removed from the baseline since the federal government mandates they can't be touched. Questions were asked as to whether Harbor Point was considered a superfund (per the regulations) and were they required to provide stormwater mitigation on site. DPW responded yes and yes; Harbor Point is required by law to meet the stormwater regulations as per the new development.

DPW will continue exploring the clarification of “superfund site” and the option of removing superfund sites from the City's MS4 baseline.

Item 4: Rain barrels. It was originally decided to not give credit because there's not much stormwater management benefit and because if rain barrels are not maintained they can cause more harm than benefit. The subcommittee is recommending that a one-time credit for the purchase of a rain barrel be considered. John Berard from Blue Water Baltimore agreed to compile what local jurisdictions are doing regarding rain barrels.

Item 5: Cemeteries. Cemeteries have expressed hardship because they have limited income, and have asked that their roads and parking lots be exempt from the stormwater fee. The subcommittee discussed exempting streets but not parking lots. There is language in Regulations and Law regarding privately owned and maintained streets used by the public in single family communities being exempt. The subcommittee would like to add the language, "or within cemeteries".

It was explained by DPW that this may require a change to Law; the City Law Department would have to decide if this change to the regulations is within the spirit of the law or would require a change in the law. The subcommittee believes this is would meet the spirit of the law; it just expands on what's currently allowed for private streets.



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Item 6: Exemptions for Veterans organizations. The State law requires that tax exempt Veterans organizations be exempt from the stormwater remediation fee. The new language for will be taken directly from the State law.

Item 7: State Law requirement for non-profits. Aside from defining non-profit, no other guidance has been provided by the State. Is that up to the jurisdiction? The State Law just stated "hardship"; MDE "may" define in the compliance plans. The Committee suggested that the hardship exemption program needs to be discussed further. DPW agreed.

The Committee voted and approved Items 1, 2, and 4. The other items need additional information and study.

Finance Subcommittee

Debbie Cameron provided the subcommittee report. The subcommittee met at the end of October and discussed priorities for flexible budget items. Debbie also reported that the subcommittee has not seen any numbers regarding the amount of revenue generated by the stormwater fee.

Kimberly Grove elaborated that DPW still has not received numbers from Department of Finance, so the subcommittee was asked to look at a list of ten items that are part of permit but flexible, with no mandated amount that needs to be spent and prioritize them in terms of importance. Workforce development was consistent among subcommittee members as 10% importance, while educational outreach and grant funding ranged from 5% - 50% importance. The subcommittee also discussed the FY16 budget.

It was requested that the previous "Fiscal 201" presentation that was made to the subcommittee be made available to the rest of the SWAC members. DPW will follow-up with this.

The Committee asked if it were possible to see the projected FY17 budget. DPW was not sure if it could be shared in draft form. Committee members also asked if the prioritization took into account the Communications Plan drafted by the Outreach and Communications subcommittee. Terry said that it tried; Kim said that the metrics for communications will be connected to the Trash TMDL.

Outreach and Communications Subcommittee

Kimberly Golden-Brandt reported that the subcommittee was also looking at the stormwater participation event credits. The subcommittee asked Mark Cameron to provide information on the number of people who have applied for credits and the outreach efforts.

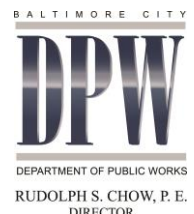
The question was asked what has happened with the Communications Plan offered by the subcommittee. Mark said that it has been shared with DPW's Communications Office; some of the recommendations were considered in drafting the Trash TMDL Implementation Plan and others were incorporated into revisions of Clean Water Baltimore. A final comment was made that people like Mr. Trash Wheel; can something like that be done? Mark replied that while Mr. Trash Wheel is popular on social media, there are no studies as to the educational impact it is having.

Trash TMDL Update

Mark Cameron provided a brief PowerPoint presentation of the 75% draft Implementation Plan. The draft was sent to SWAC members and the Healthy Harbor Steering Committee NGOs to review on October 23. The goal is to get the final document out for the 30 day public comment period in mid-November.

Mark reminded the Committee members:

- The TMDL does not cover whole city
- The TMDL includes Baltimore County as well



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- WLA (Waste Load Allocation) - items that make it through the storm drain System, LA (Load Allocation) is larger dumped items. Per the MS4 Permit, the City is only required to meet the WLA.
- The TMDL requires that 100% of the baseline is removed (plus a margin of safety of 5%); the baseline is calculated by weight (LBS)
- Things we were doing previous to baseline can't be counted, but things that have been expanded or are new can be counted

Existing conditions were documented, and a gap analysis was conducted to determine what additional practices would be needed to meet the reduction requirement. It was noted that the Trash wheel was not being included in the Implementation Plan; the City is taking a conservative approach because it hasn't been proven whether the Trash Wheel is collecting trash that wouldn't otherwise be collected by the harbor skimmer boats. This doesn't mean at some later point it couldn't be added.

Methodologies were also developed for each of the practices, based on previous best practices and available studies. Baltimore City is working in partnership with Baltimore County to use the same methodologies. The City and the County will also be collaborating on monitoring.

In alignment with the County, Baltimore City is projecting a 20 year period to meet the TMDL requirements. Baltimore City's Plan is two-part:

1. Collection as a Stop-Gap Measure
2. Prevention as a Sustainable Method

The Plan is further divided into projects, programs, partnerships. Projects are structural practices installed by DPW (modified inlets, in line debris collection, and end of pipe collection), and programs are services (like street sweeping) operated by DPW. Partnerships are programs that are collaborative efforts involving other City agencies, State agencies, local NGOs, and citizens. These include the various prevention strategies, which will take a longer period of time (hence the 20 year period) because they are addressing behavior change. Projects and Programs are either occurring or can be implemented sooner. They also allow the City to capture data more easily.

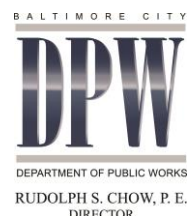
Final methodologies are needed for some practices to determine trash removed. Most difficult to define and calculate are the prevention practices.

The Committee asked if an education campaign is working, then the City should be collecting less trash. How will that be reflected? Mark replied that this is the goal. If we see this happening, the City can request that the TMDL be reassessed by MDE.

Other strategies in the draft Plan include Enforcement, which will involve working with HCD which does enforcement. Recommendations include expanding the FlashCAM program, small hauler policies, and enforcement education. Enforcement is primarily Load Allocation, it is difficult to determine trash (WLA) removed from enforcement. Supporting a Statewide bottle or bag bill is in the draft but still under review, since it is not in DPW's control.

Regarding education and communication, Mark described the recently launched Mayor's Clean Corps program, a peer-to-peer initiative to connect neighborhoods and provide support to communities. This is being seen as the start of an anti-litter campaign, but messaging and key audiences still need to be determined.

The presentation closed by reminding the SWAC members that DPW wants to get the Implementation Plan out in mid-November for the 30 day public comment period, need time after public comment period to incorporate changes before sending to MDE the final



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document by January 5, 2015. The Department encourages the SWAC to review and comment, and share with their constituents.

Quarterly Meeting Schedule 2016

The Quarterly meeting schedule was discussed. The Committee felt that the Monday evening meetings still worked well regarding dates, time, and location. The next meetings are February 1 and May 2, 2016. A full schedule for 2016 will be shared with SWAC members and posted on Clean Water Baltimore.

Open discussion

Terry started the discussion by saying that the SWAC had reached its one year anniversary, with one year left on members' two-year terms. This was a good time to look back at what's happened and not happened, as well as look forward to next year. He shared his thoughts:

1. Innovation and Implementation committee needs to be resurrected.
2. He's received concerns about stormwater permit process, how long and difficult it can be, and would like to put this on the agenda for the policy subcommittee.

He then asked the group what they wanted to accomplish in the next year. Most of the items have been brought to SWAC by the city looking for input. Are there items the SWAC has that they'd like to raise? Responses included:

- There is a need to raise more awareness about the positive things being done with the fee, what the money is going toward.
- How is money being spent is the big question.
- The innovation subcommittee was looking at how local contractors can be connected with where BMPs are needed.
- Only 50% of churches have applied for reduction in fee; there is a need to partner with City to get better communication.

Additionally, it is expected that the General Assembly will have bag and bottle bills this year. Since the next SWAC meeting isn't until February, and the General Assembly starts in January, could there be a special legislative briefing for the Policy subcommittee? Marcia Collins – yes; that can be scheduled.

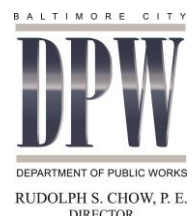
Finally, Terry suggested that there be a survey for SWAC members to identify issues they would like to address. He will develop this and share among members. There was also discussion about SWAC members meeting without City employees outside of the Quarterly meetings.

Conclusion

The meeting ended at 7:50pm. Next meeting is February 1, 2016, at the Planning Department (417 E. Fayette Street, 8th Floor).



STEPHANIE
RAWLINGS-BLAKE
MAYOR



RUDOLPH S. CHOW, P. E.
DIRECTOR